

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR  
REVOCATION OF THE CERTIFICATE OF

ADMINISTRATIVE ACTION

FINAL ORDER OF DISCIPLINE

**Grace M. Nivison, C.H.H.A.**  
Certificate No. 26NH12790500

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Grace M. Nivison ("Respondent") is the holder of certificate number 26NH12790500 and has been certified at all times hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on March 29, 2013 by the Jackson Township Police Department for violation of one (1) count of N.J.S.A. 2C:18-2a(1), Burglary by Entering Structure and one (1) count of N.J.S.A. 2C:18-2(b), Burglary, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Jackson, New

Jersey, via regular and certified mail, on or about April 8, 2013. A response was due within twenty (20) days. The regular mailing was not returned; the certified mail receipt was signed by a third party and returned to the Board.

3. To date, Respondent has not provided a response to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's license to practice as a certified homemaker-home health aide in the State of New Jersey was entered on June 28, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mail was not returned; the certified mail receipt was signed by a third party and returned to the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or

Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, the Board received an undated letter on or about July 26, 2013, from Respondent together with a copy of the criminal complaint. The letter explained that Respondent had a relationship with a man who was unfaithful to her and upon revelation of such, she returned home to retrieve a dog she claims was hers. She stated that when her boyfriend discovered the dog missing, he called her and requested the dog to be returned and she complied. She further stated that the following day she was arrested and lost her job due to her arrest. Respondent stated that it took her two months to obtain the police report but failed to explain why. She apologized to the Board for taking so long to respond. She requested that the Board waive the fine and forgive her.

The Board was persuaded that the submitted materials merited further consideration, since Respondent disputed the Findings of Fact or Conclusions of Law, the Provisional Order is made final with modifications.

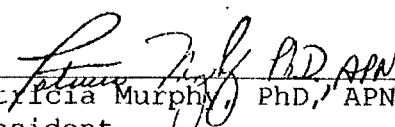
ACCORDINGLY, IT IS on this 29<sup>th</sup> day of August, 2014,

ORDERED that:

1. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of this Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

  
Patricia Murphy, PhD, APN  
President